



CITY OF MEMPHIS

COUNCIL AGENDA

May 19, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (May 5, 2009)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. PRESENTATION of the City Council 2009 Humanitarian Award to The Most Reverend J. Terry Steib, S.V.D.

Lowery

2. RESOLUTION approving an honorary street name change of Central Avenue for Brother Vincent Malham, FSC.

Strickland

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION recognizing the Memphis All Stars Cheerleading and Dance Teams.

Collins

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

4. RESOLUTION approving a planned development located on the north side of Tournament Drive; +/-2,070 feet west of Hacks Cross Road, containing +/-21 acres in the Tournament Center Planned Development (P-D), Area D, (P.D. 08-323).

Morrison

Case No. PD 09-305

Applicant: Clark & Clark (Nick and Ben Clark)
ETI Corporation (Ralph Smith) – Representative

Request: Multi-Family and Day Care

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

59 NOTICES MAILED ON May 8, 2009

5. RESOLUTION approving a street/alley closure located on the south side of E. H. Crump; ±506.38 feet east of East Street, containing 1.3 acres in the Highway Commercial (C-H), Light Industrial (I-L), Heavy Industrial (I-H) and Hospital (H) Districts. (Held from 5/20/08)

Morrison

Case No. SAC 07-613

Applicant: Memphis Housing Authority
Rick Kershaw – Representative

Request: Close & Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

16 NOTICES MAILED ON MAY 9, 2008

DIVISION OF PLANNING & DEVELOPMENT

6. RESOLUTION approving a waiver for a pay day loan located on Summer Avenue. (Held from 5/5)

Morrison

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving a special use permit located on the northeast corner of Overton Crossing Street and Hawkins Mill Road, containing a 750 square feet easement in a 22,100 square feet parent tract.

Morrison

Case No. SUP 09-205

Applicant: Global Signal Acquisitions, LLC

Request: Increase height of existing cell tower from 100 feet to 120 feet

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCES – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

8. **ORDINANCE** to amend previous Ordinance 4388, codified as City Code, Article 6, Section 2-331(a), to extend the sunset clause set forth therein until June 30, 2010, up for F I R S T reading.

Flinn

Ordinance No. 5316

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

9. **ORDINANCE** to amend Chapter 33, Code of Ordinances, so as to increase the Volmetric Sewer Fee from 95.8 cents per 1000 gallons to 105.3 cents per 1000 gallons, up for S E C O N D reading.

Boyd

Ordinance No. 5312

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **ORDINANCE** to appropriate the proceeds of the tax levy on the assessed values on all properties of every species within the City limits for general purposes for the Fiscal Year July 1, 2009, through June 30, 2010, up for S E C O N D reading.

Halbert

Ordinance No. 5313

ACTION REQUESTED: Adopt the ordinance on Second reading

11. **ORDINANCE** fixing the Tax Rate of the City of Memphis for Fiscal Year 2010, up for S E C O N D reading.

Halbert

Ordinance No. 5314

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

12. **ORDINANCE** rezoning the southwest corner of Raines Road and Graceland Street, containing 0.112 acre in the Single Family Residential (R-S10) District, up for S E C O N D reading.

Morrison

Ordinance No. 5315
Case No. Z 09-101

Applicant: Shelby County Government
Tom Moss, Shelby County Real Estate Office – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

13. **RESOLUTION** approving final plat of COURT MANOR.

Case No. Z 06-126

Resolution approves the final plat located on the west side of North Second Street, at Mahannah Avenue.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

14. **RESOLUTION** accepting LAUREL TREE II P.D., and authorizing release of bond.

Case No. PD 05-326cc
(Contract No. CR-4999)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Holmes Road east of Hack Cross. The standard improvement contract was approved on March 7, 2006. Resolution also authorizes the release of the letter of credit in the amount of \$71,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

15. **RESOLUTION** approving sewer plan for HIGHLAND STREET CHURCH OF CHRIST SEWER EXTENSION.

Contract No. CR-5139

Resolution approves the sewer plan located on the east side of Houston Levee Road, north of Walnut Grove Road. Cost of the required improvements to be shared between the City and the developer. Resolution also authorizes the proper officials to execute the attached standard sewer extension contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD (None)

GENERAL ITEM

16. RESOLUTION approving an honorary street name change of Mt. Moriah Road between Truse Parkway and Poplar for Don DeWeese.

Conrad

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

17. RESOLUTION approving Change No. 5 to Contract No. 10977, Tires and Tire Service, with Southern Tire Mart, LLC, in the funded amount of \$254,781.14. (This change extends the current contract for approximately six months, June 12, 2009 to December 31, 2009, with no increase in rates to allow time to rebid the contract).
18. RESOLUTION approving Change No. 1 to Contract No. 11280, Aerial Patrol of Gas Transmission Right-of-Way, with Tennessee Helicopter Services, Inc. in the funded amount of \$30,660.00. (This change renews the contract for the first of four renewal terms, August 29, 2009 through August 28, 2010).
19. RESOLUTION awarding contract for autoclave laboratory steam sterilizer and installation to STERIS Corporation in the amount of \$31,883.00.
20. RESOLUTION awarding contract for software maintenance to Coleman Technologies, Inc. in the amount of \$36,206.60.
21. RESOLUTION awarding contract for hardware, software and services to Logicalis, Inc. in the amount of \$66,636.49.
22. RESOLUTION awarding contract for galvanized structural steel to V & S Schuler Engineering, Inc. in the amount of \$99,570.00.
23. RESOLUTION awarding contract for a pumping station network to Venture Technologies in the amount of \$128,620.55.
24. RESOLUTION renewing contract with Diamond International of Memphis, Inc. for the third and final 12-month period, July 5, 2009 to July 4, 2010, for cab and chassis vehicles in the amount of \$133,179.00.
25. RESOLUTION awarding contract for capacitor cans to H D Supply Utilities in the amount of \$151,560.00.

26. RESOLUTION amending Purchase Order No. 125143 with USAT Corporation for ruggedized laptop computers and accessories in the amount of \$192,394.00. (This amendment increases the award amount to cover purchases needed until the end of the contract term of June 2010).
27. RESOLUTION amending Purchase Order No. 127120 with Thomas Consultants, Inc. for personal and laptop computers in the amount of \$647,799.00. (This amendment increases the award amount to cover purchases needed until the end of the contract term of January 2010).
28. RESOLUTION amending Purchase Order No. 135613 with AZZ/Central Electric Manufacturing Company for metal-clad switchgear complex in the amount of \$35,752.00. (This amendment is due to a change to the original design which requires an overhead feed rather than an underground feed).
29. RESOLUTION approving payment of 2009 annual membership dues to American Public Power Association in the amount of \$92,313.00.



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REGULAR AGENDA

GENERAL ORDINANCES – THIRD AND FINAL READING

30. **ORDINANCE** amending the current Pension Ordinance by establishing a return multiple for general employees with 16 to 20 years of service who elect to receive a lump sum payment upon retirement or termination. This amendment also revises the definition of a child and a spouse as defined per the ordinance and clarifies the language relative to providing healthcare for persons receiving lump sum payments, up for T H I R D and F I N A L reading.

Flinn

Ordinance No. 5303

ACTION REQUESTED: Take whatever action Council deems advisable

31. **ORDINANCE** to prohibit School Bus Drivers from using Mobile Telephones while transporting children, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5304

ACTION REQUESTED: Take whatever action Council deems advisable

32. **ORDINANCE** to require Motor Vehicles to give three feet clearance when passing bicycles, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5305

ACTION REQUESTED: Take whatever action Council deems advisable

33. **ORDINANCE** to establish a penalty for Non-Emergency 911 Calls, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5306

ACTION REQUESTED: Take whatever action Council deems advisable

34. **ORDINANCE** to establish a penalty for transporting Minors in the bed of trucks, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5307

ACTION REQUESTED: Take whatever action Council deems advisable

35. **ORDINANCE** to amend the Financial Responsibility Ordinance to mirror the State Financial Responsibility Law, up for T H I R D and F I N A L reading.
Hedgepeth Ordinance No. 5308

ACTION REQUESTED: Take whatever action Council deems advisable

36. **ORDINANCE** to prohibit the use of Off-Highway Motor Vehicles on Highways, up for T H I R D and F I N A L reading.
Hedgepeth Ordinance No. 5309

ACTION REQUESTED: Take whatever action Council deems advisable

37. **ORDINANCE** to establish an Open Container Law, up for T H I R D and F I N A L reading.
Hedgepeth Ordinance No. 5310

ACTION REQUESTED: Take whatever action Council deems advisable

38. **ORDINANCE** to establish a Penalty for Operating Low Speed Vehicles on City Streets, up for T H I R D and F I N A L reading.
Hedgepeth Ordinance No. 5311

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

39. RESOLUTION accepting and appropriating \$1,037,710.00 in Federal Grant funds from the Department of Homeland Security-FEMA for the Division of Fire Services for a total appropriation of \$1,037,710.00.
Hedgepeth

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION accepting and appropriating \$258,145.00 in Federal Grant funds from the Department of Homeland Security for the Division of Fire Services for a total appropriation of \$258,145.00.
Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

41. RESOLUTION appropriating \$1,675,000.00 in Construction, funded by G.O. Bonds General for Greenway Improvements, CIP Project Number PK07012.

Strickland

Council did include Greenway Improvements, CIP Project Number PK07012 as part of the FY 2009 Capital Improvement Program.

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION appropriating \$1,560,000.00 in Construction, funded by G.O. Bonds General for Countrywood Park, CIP Project Number PK07088.

Strickland

Council did include Countrywood Park, CIP Project Number PK07088 as part of the FY 2009 Capital Improvement Program.

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION appropriating \$250,000.00 in Furniture Fixtures and Equipment, funded by G.O. Bonds General for Liberty Bowl Sound System, CIP Project Number PK10011.

Strickland

Council did include Liberty Bowl Sound System, CIP Project Number PK10011 as part of the FY 2009 Capital Improvement Program.

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION appropriating \$150,000.00 in Construction, funded by G.O. Bonds General for Raleigh Bartlett Meadows Park, CIP Project Number PK04005.

Strickland

Council did include Raleigh Bartlett Meadows Park, CIP Project Number PK04005 as part of the FY 2009 Capital Improvement Program.

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION appropriating \$89,640.00 in Golf Irrigation, CIP Project Number PK06006, in Contract Construction, funded by G.O. Bonds General and chargeable to the Fiscal Year 2009 Capital Improvement Budget for the replacement of irrigation pump station equipment at Davy Crockett Golf Course.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES

46. RESOLUTION accepting grant funds in the amount of \$191,593.00 from the U.S. Department of Labor for the Second Chance Connections Project to provide employment opportunity services to ex-offenders and develop a formal long-term partnership for the placement of ex-offenders into employment. Resolution also amends the FY2009 Operating Budget to establish and appropriate grant funds.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

47. RESOLUTION amending the FY 2009 Capital Improvement Budget by transferring an allocation of \$340,507.00 funded by G.O. Bonds from School Safety Improvements, Project Number PW04043 to School Safety Improvements Group V, Project Number PW04074 to install sidewalks in school areas. Resolution also appropriates \$340,507.00 funded by G.O. Bonds for School Safety Improvements Group V, Project Number PW04074 for a construction contract with Encor, LLC.

Boyd

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

48. **ORDINANCE** to amend Chapter 21, Article IX, Code of Ordinances, City of Memphis, as to update regulations for the Inspection of Motor Vehicles, up for F I R S T reading.

Brown

Ordinance No. 5317

ACTION REQUESTED: Adopt the ordinance on First reading

49. RESOLUTION amending the FY 09 CIP by appropriating an allocation of \$3,000,000.00 funded by G.O. Bonds with the Division of Community Enhancement Anti Blight Strategy, (CD01068) for expenses related to slum and blight.

Brown

ACTION REQUESTED: Adopt the resolution

50. **ORDINANCE** to amend Cable Franchise Ordinance No.4159, extending the Franchise Ordinance, as amended, through October 6, 2009, up for F I R S T reading.

Boyd

Ordinance No. 5318

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 4 – Approved
5. Dropped
6. Failed
7. Through 29 – Approved
30. Approved, as amended
31. Through 50 – Approved

ACTION TAKEN ON THE MINUTES OF MAY 5, 2009 MEETING

Approved

ACTION TAKEN ON THE MINUTES OF ITEM #49 FROM TONIGHT'S MEETING

Approved